

## Assembly Bill No. 2897

### CHAPTER 345

An act to add Section 1500.6 to the Evidence Code, relating to evidence.

[Approved by Governor August 17, 1996. Filed with  
Secretary of State August 19, 1996.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 2897, Bowler. Evidence: video or digital images.

Existing law, the best evidence rule, generally prohibits the admission of evidence other than the original of a writing to prove the content of a writing. Existing law exempts from this rule a printed representation of computer information or a computer program which is being used by or stored on a computer or computer readable storage media to prove the existence and content of the computer information or computer program.

This bill would provide an additional exemption for a printed representation of an image stored on video or digital media to prove the existence and content of the image stored on the video or digital media, as specified.

*The people of the State of California do enact as follows:*

SECTION 1. Section 1500.6 is added to the Evidence Code, to read:

1500.6. (a) Notwithstanding Section 1500, a printed representation of an image stored on video or digital media shall be admissible to prove the existence and content of the image stored on the video or digital media.

Images stored on video or digital media, or copies of images stored on video or digital media, shall not be rendered inadmissible by the best evidence rule. Printed representations of images stored on video or digital media shall be presumed to be accurate representations of the images that they purport to represent. This presumption, however, is a presumption affecting the burden of producing evidence only. If any party to a judicial proceeding introduces evidence that such a printed representation is inaccurate or unreliable, the party introducing it into evidence shall have the burden of proving, by a preponderance of evidence, that the printed representation is the best available evidence of the existence and content of the images that it purports to represent.

(b) This section shall not be construed to abrogate the holding of *People v. Enskat*, (1971) 20 Cal. App. 3d Supp. 1.

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